

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 247 of 1983

with

SPECIAL CIVIL APPLICATION No 8389 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MADHAVLAL A PATEL & ORS.

Versus

STATE OF GUJARAT & ORS.

Appearance:

MR SM MAZGAONKAR for Petitioners

MR HL JANI for Respondent-State

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/11/97

ORAL JUDGEMENT

#. As in both these Special Civil Application, a common question of fact and ground has been raised, the same are being disposed of by this common order.

#. The petitioners, Agricultural Supervisors in the Department of Agriculture, Government of Gujarat, have filed the Special Civil Application No.247 of 1983 before this Court and prayer has been made for issuing writ of Mandamus or any other appropriate writ, order or direction, quashing the seniority lists of Agricultural Supervisors of Baroda Division published on 31.8.82 and that of Rajkot Division published on 27.8.82 and for further directions to the respondents No.1 to 4 to prepare the revised seniority lists of Agricultural Supervisors of Baroda and Rajkot Division showing the position as on 31.12.82 having due regard to the proforma prescribed by Government in their Circular of General Administration Department No.SNR-1080-1734-G-2 dated 28.11.80. Further prayers have been made for directions to respondents No.1 to 4 to implement the directions dated 22.7.81 and 30.4.82 of this Court given in Civil Application No.1479 of 1982 in Special Civil Application No.1179 of 1980, which the respondents have failed to comply with and to give promotion to the other persons.

#. After filing this Special Civil Application, amendment has been made therein and further prayer has been made for quashing of the final seniority list of Agricultural Supervisors of Baroda and Rajkot Division published on 14.6.88 and for further direction to revise the said seniority list showing the position therein as on 1.1.88 taking into consideration the total number of posts of promotee Agricultural Supervisors required to be maintained for Rajkot and Baroda Divisions and for further directions to the respondents to appropriately correct the seniority list of Agricultural Officers and Gujarat Agricultural Service Class II published by the Agriculture, Cooperation and Rural Development Department under the orders dated 31st August 1991 and 15th April 1995 respectively.

#. So the petitioners have come up before this Court, in the first petition, at the stage when the provisional seniority list has been published and the second petition in fact, has been filed as Misc. Civil Application in the Special Civil Application No.1179 of 1980, which was ordered to be converted to Special Civil Application. That Special Civil Application has been filed at the stage when certain other developments have taken place.

#. Reference may have to the order of this Court passed in Misc. Civil Application No.410 of 1979 in the Special Civil Application mentioned therein under which certain directions have been given for fixation of final

seniority list. That order has been passed in the year 1979. So in sum and substance the dispute pertains to the seniority list of Agricultural Supervisors and it is really shocking that in such matters, the State Government has not provided any appeal to the Tribunal or any redressal forum at Gandhinagar. Grievance of such nature has to be either dealt with by the Tribunal constituted by the Government or any appropriate forum, but in the State of Gujarat though the Tribunal has been constituted, it has been given very limited jurisdiction and majority of service disputes of the employees/officers have been kept out of its jurisdiction. Secondly, at the Government level, no redressal forum has been provided. These matters have to be first decided by a committee of the officers sitting at the Secretariat after hearing the affected persons. The approach of the petitioners directly also to this Court in such matters without first approaching the Government seems to be not justified in each and every case. But this case has a checkered history as earlier orders have been passed in connection with the grievance of the petitioner, but still whatever orders have been passed by respondents thereafter, the petitioners are not satisfied and still their grievance continue. The dispute is pertaining to seniority and consequential further promotions to the next higher posts and the seniority in that cadre and that matter has to be gone into by a high powered committee to be constituted by the Chief Secretary to the Government, of which he should be the Chairman.

#. These petitions are disposed of with directions to the respondent-State to constitute a high-powered committee to decide the dispute which has been raised by petitioners in these Special Civil Applications. This committee may be of three to five members as nominated by the Chief Secretary, the Chairman of the Committee. All care should be taken to see that the Secretary of the Department as well as the Director of the Department are also nominated in the Committee. The matter has to be decided within a period of six months from the date of receipt of the certified copy of this order. These petitions may be considered to be the representations of the petitioners in the matter and if the petitioners so desire, they may also be given opportunity of personal hearing before the Committee. The Special Civil Applications and Rule therein stand disposed of accordingly. However, it is made clear that in case the grievance of the petitioners are not acceptable, the committee may pass a reasoned order and a copy of the same may be sent to the petitioners by registered post A.D. and in that case liberty is granted to the

petitioners for revival of these Special Civil
Applications on a simple note to be filed by petitioners.
No order as to costs.

.....

(sunil)